

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

September 9, 2010

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.: 02od-062

OAHU

Issuance of Direct Lease to Honolulu Community Action Program for Preschool and Related Programs and Administrative Services Purposes, Kunia, Oahu, Tax Map Key: (1) 9-2-5:12.

APPLICANT:

Honolulu Community Action Program (HCAP), a Hawaii non-profit corporation whose mailing address is 33 South King Street, Suite 300, Honolulu, Hawaii 96813.

LEGAL REFERENCE:

Section 171-43.1, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of government land of Honouliuli situated at Ewa, Oahu, identified by Tax Map Key: (1) 9-2-5:12, as shown on the attached map labeled as Exhibit A.

AREA:

2.436 acres, more or less.

ZONING:

State Land Use District: Agriculture
City & County of Honolulu CZO: AG-1

TRUST LAND STATUS:

Section 5(a) lands of the Hawaii Admission Act
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

Encumbered by Revocable Permit No. S-6242, Department of Labor and Industrial Relations, Office of Community Services, Permittee, for Headstart Programs.

CHARACTER OF USE:

Preschool and related programs and administrative services.

LEASE TERM:

Sixty-five (65) years

COMMENCEMENT DATE:

The first day of the month to be determined by the Chairperson.

ANNUAL RENT:

\$480.00 per annum (Minimum Rent Policy for New Dispositions, May 13, 2005)

METHOD OF PAYMENT:

Semi-annual payments, in advance.

RENTAL REOPENINGS:

Every ten (10) years during the lease term, by staff or independent appraisal.

PERFORMANCE BOND:

Twice the annual rental amount.

PROPERTY CHARACTERISTICS:

Utilities - Water, electricity and telephone service are available.

Slope - Gently sloping to nearly level.

Elevation - 720 feet to 880 feet.

Rainfall - 39 inches distributed throughout the year.

SCS Soil Series - Kolehale silty clay loam, 1 to 6 percent slope (KUB).

Land Study Bureau - Unrated (because already developed)

Legal access to property - Staff has verified that The Trustees Under The Will And Of The Estate of James Campbell granted the State a right-of-way easement 24 on March 31, 1938 through its Kunia property.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the "Division of Land Management's Environmental Impact Statement Exemption List", approved by the Environmental Council and dated April 28, 1986, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1." See Exhibit B

DCCA VERIFICATION:

Place of business registration confirmed:	YES <u> x </u>	NO <u> </u>
Registered business name confirmed:	YES <u> x </u>	NO <u> </u>
Applicant in good standing confirmed:	YES <u> x </u>	NO <u> </u>

APPLICANT REQUIREMENTS:

None

REMARKS:

On September 28, 2007, item D-3, the Board approved in principle the issuance of a direct lease to Honolulu Community Action Program (HCAP) for the preschool and related purposes, further subject to HCAP compliance with Chapter 343, Hawaii Revised Statutes, and obtaining a Special Use Permit and Zoning Variance within 24 months of the approval.

On July 22, 2009, item D-17, the Board amended its prior action by declaring the project is exempt from the preparation of an environmental assessment. Same action extended the deadline for compliance to October 2011. A copy of the 2009 submittal, which contains the 2007 submittal too, is attached as Exhibit C.

By copy of letter dated August 16, 2010 attached as Exhibit D, HCAP provides copy of zoning variance approval dated August 9, 2010, and a letter from the City Department of Planning and Permitting indicating that Special Use Permit for the project is not required pursuant to §205-4.5, HRS.

The 2007 submittal stipulated that the annual rent for the proposed lease would be considered by the Board when HCAP complies with the requirements. With the approval provided in Exhibit B and the Board action in July 2009 pertaining to Chapter 343, HRS, HCAP is in compliance with the requirements in the 2007 Board approval. Staff brings the request for a new lease for the Board's consideration.

HCAP requests the lease be granted "at no cost as an in-kind donation by the State of Hawaii", as noted in Exhibit D.

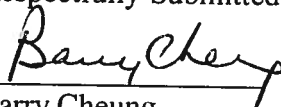
It has been the Board's policy in issuing leases for non-profit organizations at an annual

rent of \$480. Such rent will undergo rental reopening every ten years during the lease term. Staff believes \$480 is a fair amount for recouping the staff cost and it will not jeopardize the budget of the non-profit organization. Therefore, staff recommends the Board deny HCAP request for "no cost as an in-kind donation by the State of Hawaii" and authorize \$480 as the annual rent of the proposed lease.


RECOMMENDATION: That the Board:


1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Find that the public interest demands the issuance of this direct lease to Honolulu Community Action Program for preschool and related programs and administrative services purposes.
3. Deny Honolulu Community Action Program's request for treating the lease rent as an in-kind donation by the State of Hawaii.
4. Authorize the termination of Revocable Permit No. 6242 upon issuance of the subject lease.
5. Authorize the issuance of a direct lease to Honolulu Community Action Program covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current non-profit lease document form, as may be amended from time to time;
 - B. Review and approval by the Department of the Attorney General; and
 - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

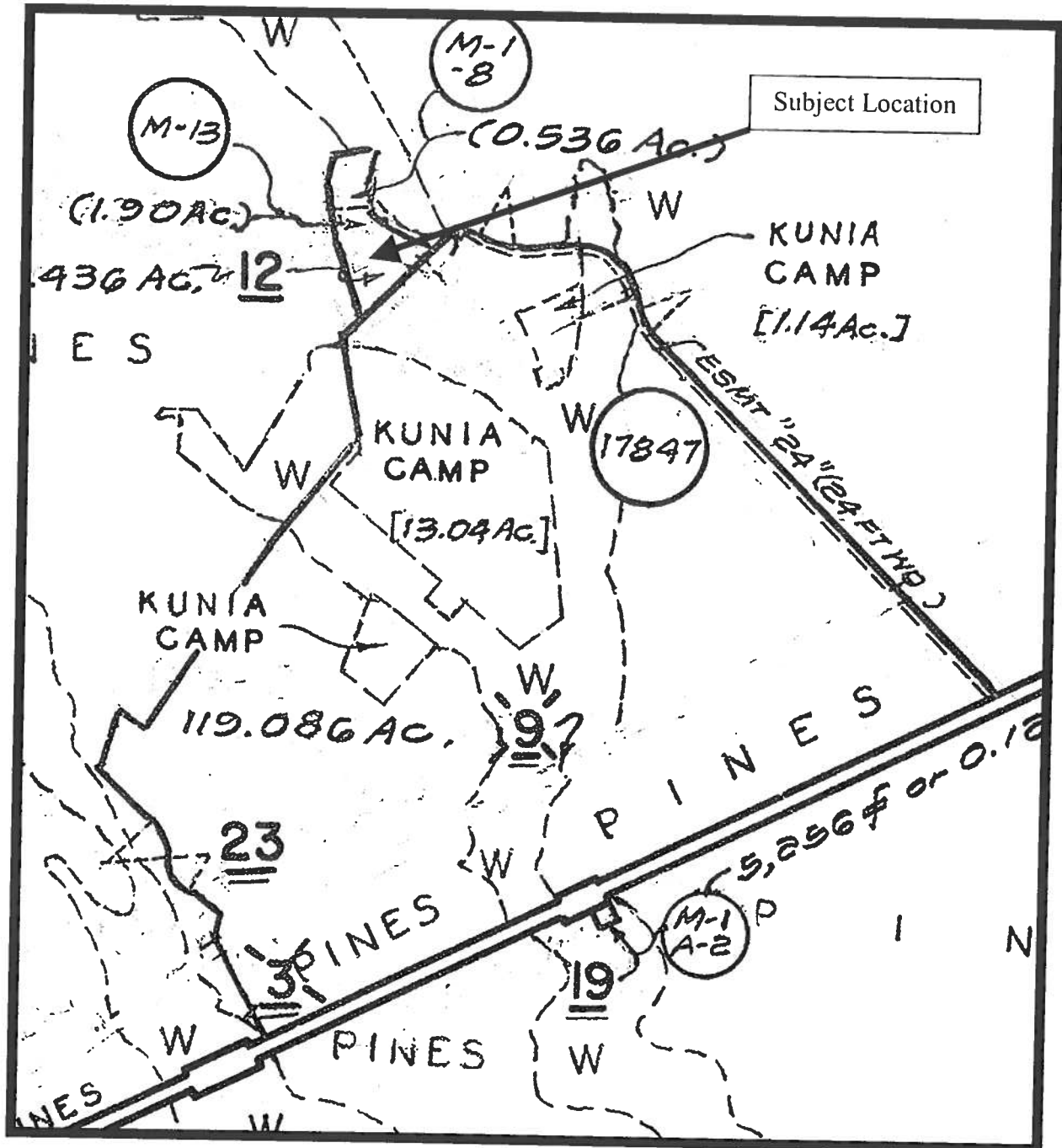
Respectfully Submitted,


Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson 



(1) 9-2-005:012

EXHIBIT A



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

September 9, 2010

EXEMPTION NOTIFICATION

regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

Project Title: Issuance of Direct Lease to Honolulu Community Action Program

Project / Reference No.: PSF 02od-062

Project Location: Kunia, Ewa, Oahu, TMK (1) 9-2-005:012

Project Description: Lease for preschool and related programs and administrative services

Chap. 343 Trigger(s): Use of State Land

Exemption Class No.: In accordance Division of Land Management's Environmental Impact Statement Exemption List", approved on April 28, 1986, the subject project is considered to be exempt from the preparation of an environmental assessment pursuant to Class No. 1, that states: "Operations, repairs, maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing", and Class No. 4 that states: "Minor alterations in the conditions of land, water, or vegetation."

The subject property was used by the Department of Education for Kunia School until June 1984. In August 1985, the Office of Community Services requested to use the school site for a headstart program. A revocable permit was issued in October 1985 for such purpose. It was a total of 16 months between the date that DOE stopped operating the school site and the headstart program started at the same location. Staff believes that 16 months is not unreasonable duration for the transition of the same improvement between two managements. Therefore, the occupation of HCAP since 1985 should be considered as the operation of existing structures, facilities.

EXHIBIT B

In addition, the applicant does not intend to put the property undergo major improvement upon the issuance of the lease. Therefore, there will only be minor alteration of the conditions of land, water and vegetation.

Consulted Parties None

Exemption Item Description
from Agency Exemption List: Not applicable

Recommendation: It is recommended that this project will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.

Laura H. Thielen, Chairperson

AMENDED

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

July 22, 2009

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No: 02od-062

OAHU

Amend Prior Board Action of September 28, 2007, Item D-3; Approval in Principal of Direct Lease to Honolulu Community Action Program for Preschool and Related Programs Purposes, Kunia, Oahu, Tax Map Key (1) 9-2-005:012

BACKGROUND:

On September 28, 2007, agenda item D-3, the Board approved in principal to issue a direct lease to Honolulu Community Action Program (HCAP) for preschool and related programs purposes. A copy of the approved submittal is attached as Exhibit A.

The 2007 approval requires HCAP pursue compliance with Chapter 343, Hawaii Revised Statutes (HRS), obtain a State Special Use Permit and Zoning (Use) Variance, all within 24 months of the Board approval, which expires in September 2009.

By a letter dated June 25, 2009 from its consultant (Exhibit B), HCAP requests an exemption from Chapter 343, HRS in accordance with the "Division of Land Management's Environmental Impact Statement Exemption List", Class No.1, that states "Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing."

REMARKS:

As indicated in the 2007 submittal, the subject property was used by the Department of Education for Kunia School until June 1984. In August 1985, the Office of Community Services requested to use the school site for a headstart program. A revocable permit was issued in October 1985 for such purpose. It was a total of 16 months between the date that DOE stopped operating the school site and the headstart program started at the same location. Staff believes that 16 months is not unreasonable duration for the transition of the same improvement between two managements. Therefore, the occupation of HCAP since 1985 should not be considered as a discontinuance of the use of State lands.

as amended

APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES *DA*
AT ITS MEETING HELD ON

July 22, 2009

D-17

EXHIBIT "C"

Further, records show the floor area of the facilities has been changed from 706 square feet to 2,729 square feet within existing buildings. It falls within exemption class 1 mentioned above which stipulates "Operations, repairs or maintenance of existing structures (emphasis added) ..." Therefore, staff supports the request by HCAP that the proposed lease is exempt from Chapter 343, HRS. HCAP understands that it still needs to obtain other permits from the county.

According to Recommendation 1.C in the 2007 approval, HCAP needs to provide a proposal for rent when they have obtained the necessary permits, and such proposal will be considered by the Board for final approval on the issuance of the requested lease.

RECOMMENDATION: That the Board amend its prior action of September 28, 2007, item D-3 by:

1. Declaring that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Other conditions in Board action of September 28, 2007, item D-3 shall remain valid.

Respectfully Submitted,



Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson

APPROVED AND AMENDED as follows:

Correct spelling error throughout the submittal - Principal should be Principle. Added a Recommendation 2. Extending the period for the applicant to obtain a State Special Use Permit and Zoning (Use) Permit until October 2011. Change the numbering of Recommendation 2 to be Recommendation 3.

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

September 28, 2007

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.: 020D-062

OAHU

Approval in Principle of Direct Lease to Honolulu Community
Action Program for Preschool and Related Programs Purposes,
Kunia, Oahu, Tax Map Key: (1) 9-2-5:12.

APPLICANT:

Honolulu Community Action Program (HCAP), a Hawaii non-profit
whose mailing address is 33 South King Street Suite 30, Honolulu,
Hawaii 96813.

LEGAL REFERENCE:

Section 171-43.1, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of government land of Honouliuli situated at Ewa, Oahu,
identified by Tax Map Key: (1) 9-2-5:12, as shown on the attached
map labeled Exhibit A.

AREA:

2.436 acres, more or less.

ZONING:

State Land Use District: Agriculture
City & County of Honolulu CZO: AG-1

TRUST LAND STATUS:

Section 5(a) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State
Constitution: YES _____ NO x

CURRENT USE STATUS:

Encumbered by Revocable Permit No. S-6242, Department of Labor
and Industrial Relations, Office of Community Services,

APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES
AT ITS MEETING HELD ON
September 28, 2007

EXHIBIT "A"
D-3

Permittee, for Headstart Programs.

CHARACTER OF USE:

Preschool and related programs and administrative services.

LEASE TERM:

Sixty-five (65) years

COMMENCEMENT DATE:

The first day of the month to be determined by the Chairperson.

ANNUAL RENT:

To be determined upon final submittal to the Land Board upon satisfactory compliance with Chapter 343, Hawaii Revised Statutes and obtains a State Special Use Permit and City Zoning (Use) Variance, if required.

METHOD OF PAYMENT:

Semi-annual payments, in advance.

RENTAL REOPENINGS:

To be determined upon final submittal to the Land Board.

PERFORMANCE BOND:

Twice the annual rental amount.

PROPERTY CHARACTERISTICS:

Utilities - Water, electricity and telephone service are available.

Slope - Gently sloping to nearly level.

Elevation - 720 feet to 880 feet.

Rainfall -39 inches distributed throughout the year.

SCS Soil Series - Kolehale silty clay loam, 1 to 6 percent slope (Kub).

Land Study Bureau - Unrated (because already developed)

Legal access to property - Staff has verified that The Trustees Under The Will And Of The Estate of James Campbell granted the State a right-of-way easement 24 on March 31, 1938 through its Kunia property.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

September 28, 2007

This is a request for the Land Board's approval in principle of a lease to the Honolulu Community Action Program and authorization for the Honolulu Community Action Program to comply with Chapter 343, Hawaii Revised Statutes and to obtain a State Special Use Permit and City Zoning (Use) Variance, if required.

DCCA VERIFICATION:

Place of business registration confirmed:	YES	<u>x</u>	NO	<u> </u>
Registered business name confirmed:	YES	<u>x</u>	NO	<u> </u>
Applicant in good standing confirmed:	YES	<u>x</u>	NO	<u> </u>

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Prepare and process, at its own cost, all necessary studies and documentation for compliance with Chapter 343, Hawaii Revised Statutes and to obtain a State Special Use Permit and City Zoning (Use) Variance, if required.

BACKGROUND:

The Land Board at its meeting of October 11, 1985 (F-1-a), approved to issue a month-to-month revocable permit to the Department of Labor and Industrial Relations, Office of Community Services. The Board of Education in June 1984 approved of and voted to return the Kunia School site to the Department of Land and Natural Resources. [Staff could not locate a land document giving Department of Education management jurisdiction over the Kunia property]. By letter dated August 23, 1985, Mr. Walter Choy, Executive Director of the Office of Community Services (OCS) requested permission to use the Kunia school property to accommodate a Headstart program in the community. It was OCS' intent for the Honolulu Community Action Program (HCAP), which it funds, to utilize the entire facility in order to better serve the Leeward Community. Services proposed to be provided at the Kunia School site were: Head Start Preschool Center, Head Start Training and Resource Library, Head Start parent Activity Center, Community Food and Nutrition Program, Learning Center, Job Development Training Center, Community Conference Room, office space for other agencies, use of the kitchen for preparing USDA-type meals for preschools within the local communities.

Revocable Permit No. S-6242 commenced October 1, 1985. Rent is gratis.

In January 2002, staff was asked by Mr. Mark Forman, Executive Director for the Office of Community Services if Revocable Permit No. S-6242 could be transferred to Honolulu Community Action Program. In February 2002, staff notified Mr. Forman it could not.

Staff immediately contacted HCAP and notified HCAP they would qualify for a direct lease pursuant to Section 171-43.1, Hawaii Revised Statutes. In February 2002, Mr. Roland Gella, Head Start

Director indicated they were interested in a long-term lease and submitted the Non-Profit Application Forms.

Something happened, but it appears staff dropped the ball and did not process Mr. Gella's request.

In March 2007, staff again, resurrected the request. In May 2007, staff circulated Request for Comments from government agencies. In August 2007, staff met with HCAP to discuss Mr. Henry Eng, Director for City Department of Planning and Permitting letter dated May 31, 2007. EXHIBIT B.

DISCUSSION:

Naturally, we were surprised. HCAP has been occupying the former Kunia School since 1985 and is a model tenant. HCAP has a State lease in Waianae (General Lease No. 5871) near the entrance to the Waianae Small Boat Harbor.

The current zoning is agriculture. To continue the existing use would require HCAP to comply with Chapter 343, Hawaii Revised Statutes. The City has indicated it must also apply for a State Special use Permit (SUP) and a City Zoning (Use) Variance.

HCAP qualifies for a direct lease as a non-profit pursuant to Section 171-43.1, Hawaii Revised Statutes, as amended. HCAP has provided evidence of 501(c)(3) status.

HCAP has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

CONCLUSION:

HCAP is committed to the Kunia community. If Land Board approval in principal is obtained, HCAP will pursue compliance with Chapter 343, Hawaii Revised Statutes. It will also obtain a State Special use Permit and City Zoning (Use) Variance and/or such other approvals from the City and County of Honolulu as are needed. Staff is recommending approval.

RECOMMENDATION: That the Board:

1. Approve in principle, a new direct lease to Honolulu Community Action Program, subject to the following:
 - A. At its own cost Honolulu Community Action Program shall pursue satisfactory compliance with Chapter 343, Hawaii Revised Statutes and obtain a State Special Use Permit and City Zoning (Use) Variance, within twenty-four (24) months of the Land Board's approval;
 - B. Should Honolulu Community Action Program fail to obtain

satisfactory compliance with Chapter 343, Hawaii Revised Statutes and obtain a State Special Use Permit and City Zoning (Use) Variance and/or such other approvals from the City and County of Honolulu as are needed, within twenty-four (24) months, the Land Board's approval shall be considered rescinded;

C. Honolulu Community Action Program acknowledges the following:

- i) All costs associated with the necessary compliance with Chapter 343, Hawaii Revised Statutes, State Special Use Permit and City Zoning (Use) Variance, and/or such other approvals from the City and County of Honolulu as are needed shall be borne by Honolulu Community Action Program;
- ii) That this action is an approval in principle and does not provide any assurance of a direct lease and such approval of a direct lease shall be subject to consideration by the Land Board under a separate action after satisfactorily complying with Chapter 343, Hawaii Revised Statutes and obtaining a State Special Use Permit and City Zoning (Use) Variance and/or such other approvals from the City and County of Honolulu as are needed;
- iii) That there has been no representations or assurance made regarding the annual rent to be paid under a direct lease. Honolulu Community Action Program agrees to provide a proposal for rent and justification for such rent in connection with the Land Board's final consideration of a direct lease after satisfactorily compliance with Chapter 343, Hawaii Revised Statutes and obtaining a State Special Use Permit and City Zoning (Use) Variance and/or such other approvals from the City and County of Honolulu as are needed.

D. Authorize the Honolulu Community Action Program to act as agent of the landowner, State of Hawaii to process the State Special Use Permit and City Zoning (Use) Variance and/or such other approvals from the City and County of Honolulu as are needed of the subject lands.

September 28, 2007

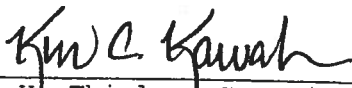
- E. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Charlene E. Unoki
Assistant Administrator

APPROVED FOR SUBMITTAL:


for Laura H. Thielen, Interim Chairperson





A

APPLICATION AND QUALIFICATION QUESTIONNAIRE
(Non-Profit)

Write answers in the spaces provided. Attach additional sheets as necessary, clearly indicating the applicable section number.

Part I: General Information

1. Applicant's legal name: Honolulu Community Action Program, Inc.
2. Applicant's full mailing address:
33 South King Street, Suite 300
Honolulu, Hawaii 96813-4323
3. Name of contact person: Joan P. White, Executive Director
Contact person Phone No.: 808-521-4531 Fax No.: 808-521-4538
4. Applicant is interested in the following parcel:
Tax Map Key No.: (1)9-2-5:12 Location: Kunia
If Applicant is current lessee: General Lease No.: _____
5. When was Applicant incorporated? December 24, 1968
6. Attach the following:
 - A. Articles of Incorporation
 - B. Bylaws
 - C. List of the non-profit agency's Board of Directors
 - D. IRS 501(c)(3) or (c)(1) status determination
 - E. Tax clearances from State of Hawaii and respective county Real Property Tax Office.
 - F. Audited financial statements for the last three years. If not audited, explain why.
If Applicant is a new start-up, attach projected capital and operating budgets.
 - G. Any program material which describes eligibility requirements or other requirements to receive services

Part II: Qualification

7. Is Applicant registered to do business in Hawaii: Yes/No
8. Has Applicant received tax exempt status from the Internal Revenue Service? Yes/No
9. Is Applicant licensed or accredited in accordance with federal, State or county statutes, rules, ordinances, to conduct the proposed activities? Yes/No
List all such licenses and accreditations required: DHS Child Care License
10. Is Applicant in default or otherwise not in good standing with any State department (e.g. POS agency, DCCA, DLNR, etc.)? Yes/No

If yes, explain:

11. Has Applicant had a State of Hawaii lease, permit, license, easement or sale in fee cancelled within the last five years? If yes, list: Yes/No

<u>Doc. No.</u>	<u>Type of Agreement</u>	<u>Term of Agreement</u>
<hr/>	<hr/>	<hr/>
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12. Does Applicant have any policies which discriminate against anyone on the basis of race, creed, color, national origin, sex or physical handicap? Yes/No

If yes, explain:

13. Has Applicant received funding from a federal, State, or county government agency, the Aloha United Way, and/or a major private foundation within the last three years? Please list all such contracts below: Yes/No

<u>Agency</u>	<u>Contract Term</u>	<u>Contract Amount</u>
DHHS : Head Start Program	04/01/06 – 03/31/07	\$ 11,458,097
OCS : Community Service Block Grant	10/01/06 – 03/31/07	\$ 1,753,299
DOL : Senior Community Serv. Emp. Grant	07/01/06 – 06/30/07	\$ 842,370
State : Research Corp. UH Preschool	07/01/06 – 06/30/07	\$ 71,429
DHS : Waianae High School Infant/Toddler	07/01/06 – 06/30/07	\$ 108,062
DHS : Malama Mentoring Children of Prisoners	07/30/06-07/29/07	\$ 120,000
OCS : Grant In Aid	07/01/06 – 06/30/07	\$ 50,000
		\$

14. If Applicant has not received funding from a federal, State or county government agency, the Aloha United Way and/or a major private foundation during the past three years, describe Applicant's qualifications to effectively perform the proposed services, including but not limited to, grants or subsidies received from non-major, private fundors and/or staff or Board members who possess significant experience in Applicant's service field.



Part III: Program Activities and Persons to be Served

15. What activities will be conducted on the premises to be leased?
The premises will be used to conduct a preschool program, office for support services staff, and as a meeting place for program staff.
16. What are the specific objectives of these activities?
Head Start provides a comprehensive preschool program for income and age eligible children and for children with special needs.
17. Describe the community need for and the public benefit derived from these activities.
According to the 2000 census data, there are preschool programs in the Waipahu and Wahiawa areas but none serving low income families in the Kunia area. Head Start provides a comprehensive high quality preschool program for qualifying children, and provides education, social, and health resource and referral services to their families. The program also assists families to identify and plan objectives to meet their goals(s).
18. Describe the targeted population for these activities by: 1) age group, 2) gender, 3) ethnic background, 4) income level, 5) geographic location of residence, 6) special needs/disability, and 7) other applicable characteristic(s).
Age group : three (3) and four (4) years old
Gender : boys and girls
Ethnic background : all ethnic groups
Income level : defined by the annual Federal Poverty Guidelines for Hawaii
Geographic location of residence : Kunia and surrounding communities
Special needs/disability : provide services in the least restrictive environment
19. Describe all eligibility requirements of clients to participate in the activities, e.g. age, income level, ethnic background, income level, disability, etc.
Children must be between the ages of three (3) and four (4) years of age and meet federal income guidelines.

20. Do you require membership to participate in these activities? Yes/No
If yes, list the requirements of becoming and remaining a member.
Services are provided only to currently enrolled children and families in the Head Start Program.

21. How many unduplicated persons will engage in the activities annually?

Activity

Persons Per Year

Preschool program

20-30 children per year (unduplicated)

22. Is State funding made available for the activities to be conducted on the leased premises? Yes/No

If yes, by which State agency: _____

23. List all activities to be conducted on the leased premises which require payment of excise taxes, e.g. subleasing, sale of products or services. Include an estimate of annual gross revenues from each activity.

None. No fees are collected for the preschool program.

Development of the Land

24. Describe the proposed site development plan for the property, indicating the location and size of buildings, parking areas, landscaped areas and related uses. Attach sketch of plan if available.
None at this time.

25. What improvements to the land do you intend to make and at what cost?
None at this time.

26. How will the improvements be funded?
N/A

27. Describe all environmental, land use and other permitting requirements which must be met to develop the land as proposed.
N/A

28. Will you be subleasing any portion of the property? If yes, describe the sublease uses:
No

Part V: Notarized Certification

I/We hereby certify that the statements and information contained in this Application and Questionnaire, including all attachments, are true and accurate to the best of my/our knowledge and understand that if any statements are shown to be false or misrepresented, I/we may be disqualified from receiving a lease or my/our lease may be canceled.

Joan P. White
Applicant Name

Applicant Name

By: [Signature]
Its: Executive Director
Date: 4/25/07

By:

Its:

Subscribed and sworn to before me this
25TH day of APRIL, 2007.

[Signature]
Notary Public JULIA HAM TASHIMA

County of: HONOLULU

State of: HAWAII

My commission expires: MAR - 4 2011

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96809
TELEPHONE: (808) 768-8000 • FAX: (808) 527-6748
INTERNET: www.honolulu.gov • DEPT. WEB SITE: www.honolulu.gov

MUFI HANNEMANN
MAYOR



May 31, 2007

RECEIVED
LAND DIVISION

2007 JUN -1 A 9:46

DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

HENRY ENG, FAICP
DIRECTOR

DAVID K. TANQUE
DEPUTY DIRECTOR

2007/ELOG-1307(pd)

Ms. Charlene Unoki
State of Hawaii
Department of Land and Natural Resources
Land Division
P. O. Box 621
Honolulu, Hawaii 96809

Dear Ms. Unoki:

Subject: Request for Comments
Preschool/Day-care Facility
92-1750 Kunia Road - Kunia
Tax Map Key 9-2-5: 12

This is in response to your May 7, 2007 letter, requesting comments regarding the day-care facility at the above site.

According to the materials you submitted, the applicant (Honolulu Community Action Program) provides a Head Start preschool program for children between the ages of three (3) and four (4) years who meet federal income guidelines, and some are "special needs" children. No fee is charged for the program, and a total of 20 - 30 children are enrolled each year. The program also "provides education, social, and health resource and referral services to their families." It receives funding from the Head Start Program, a community service block grant, the State Research Corporation University of Hawaii Preschool, and others. Although the site is owned by the State Department of Education (DOE), the day-care facility is privately run and is not affiliated with the DOE.

The site (the "former Kunia Elementary School") is a 2.436-acre lot zoned AG-1 Restricted Agricultural District. You submitted a copy of a lease for the site dated October 1, 1985. Department of Planning and Permitting (DPP) records indicate that a building inspector first inspected the facility in January 1986. Records further indicate that the DPP conducted additional inspections (to confirm compliance with the building code, for State licensing requirements) in 1990, 1993, 1995, and 2001. Between 1990 and 2001, the floor area was increased from 706 square-feet to 2,729 square-feet, within existing building(s).

EXHIBIT "A"

Ms. Charlene Unoki
May 31, 2007
Page 2

As noted above, the DPP has inspected the facility on several occasions for compliance with the building code. However, we can find no record of DPP's assessment of the facility under the provisions of the zoning code. Under the Land Use Ordinance (LUO), day-care facilities are not a permitted use in the AG-1 District. The former Kunia Elementary School was permitted because it was a public use. Had the preschool been provided at that time, it would probably have been permitted as an accessory use to the elementary school. However, since the elementary school use was terminated prior to establishment of the day-care facility, it cannot be considered nonconforming. Ordinarily, a conditional use permit would be required to authorize the day-care facility. However, as noted above, the use is not permitted either as a principal or a conditional use in the AG-1 District. Thus, a zoning (use) variance is required in order to authorize the use.

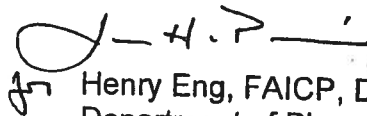
The site also lies within the State Land Use Agricultural District and day-care facilities are not a permitted use. However, the day-care may be allowed with an approved State Special Use Permit (SUP) pursuant to Section 205-6 of the Hawaii Revised Statutes. Since the timeframe requirements for processing an SUP exceed that of the zoning variance, the SUP should be obtained prior to seeking a variance. The following is a link to the DPP's web page showing guidelines for applying for a Special Use Permit:

<http://www.honoluludpp.org/downloadpdf/planning/SUPAPP.pdf>

In addition, because the land is owned by the State of Hawaii, please note that the applicant must demonstrate compliance with Chapter 343, Hawaii Revised Statutes, prior to applying for the SUP or zoning variance.

Should you have any questions on the zoning variance, please contact Pamela Davis of our staff at 768-8017. For questions on the SUP, please contact Raymond Young at 768-8049.

Very truly yours,



Henry Eng, FAICP, Director
Department of Planning and Permitting

HE:cs

Doc538161

EXHIBIT "X"

KUSAO & KURAHASHI, INC.

Planning and Zoning Consultants

MANDA MARKET PLACE
2752 WOODLAWN DRIVE, SUITE 5-202
HONOLULU, HAWAII 96822

RECEIVED
LAND DIVISION

BUS. (808) 988-2231
FAX. (808) 988-1140
E-Mail: kkurahashi@hawaii.mn.com

June 25, 2009

2009 JUN 29 A 10: 27

Ms. Charlene E. Unoki
Assistant Administrator
Land Division

DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

Department of Land and Natural Resources
State of Hawaii
P.O. Box 621
Honolulu, Hawaii 96813

Subject: **Kunia Head Start Preschool/Day-Care Facility**
Tax Map Key: 9-2-5-12

Dear Ms. Unoki:

On September 26, 2007 the Honolulu Community Action Program's Kunia Head Start Preschool/Day-Care Facility received "Approval in Principle" for a long-term direct lease with the Department of Land and Natural Resources, State of Hawaii (PSF No. 020D-062), in order to continue operating their preschool/day-care facility in Kunia. The preschool/day-care has been operating at this location since October 1985 under a year-to-year lease.

We have been contracted by the Honolulu Community Action Program, Inc. to research and prepare a Special Use Permit and a Use Variance for the existing Kunia Head Start Preschool/Day-Care Facility. Because the facility is owned by the State of Hawaii the applicant must demonstrate compliance with Chapter 343, Hawaii Revised Statutes prior to applying for the SUP or zoning variance.

We are at this time requesting an exemption from the State of Hawaii Chapter 343, Hawaii Revised Statutes that requires the preparation and processing of a Draft and Final Environmental Assessment prior to submittal of a Special Use Permit to the Department of Planning and Permitting, City and County of Honolulu. We are requesting the exemption under the approved EIS exemption list, dated April 28, 1986, as follows:

EXHIBIT "B"

"Exemption Class #1, Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing."

- Item 4. Repair, maintenance and renovation of existing structures on leased State land.
- Item 5. Routine and emergency repair and restoration of existing structures and facilities on State lands involving negligible or no expansion or change of use beyond that previously existing.

Justification:

- a. Negligible expansion of the existing buildings has taken place since the preschool commenced operations in October 1985. Department of Planning and Permitting (DPP) records indicate that a building inspector first inspected the facility in January 1986. Records further indicate that the DPP conducted additional inspections (to confirm compliance with the building code, for State licensing requirements) in 1990, 1993, 1995, and 2001. Between 1990 and 2001 the floor area was increased from 706 square feet to 2,729 square feet within the existing building(s). Please see attached letter from DPP dated May 31, 2007.
- b. The change in use is negligible when one considers the property that was formerly used as an elementary school until June 1984 and in 1985 reopened its doors as a Preschool/ Day-Care center. Both schools serviced the same community and the same families, one handling children 5 years and older and the other preschool age children.

- c. To further document the comparability (no significant change in use) of the former elementary school use and that of the present preschool use, I would like to quote from a support letter from the Department of Education to DPP dated November 23, 2007 - ".....In June 2006, Act 259 was passed, creating a task force to develop a comprehensive early learning system in Hawaii. More recently, the Hawaii P-3 Initiative, 'grounded in the belief that children's lives can be transformed by coordinated efforts at the community and state levels, has established the essential goal that every child in Hawaii will be reading at grade level by the third grade'. In concert, both of these initiatives require the building of a foundation of learning from early childhood to third grade, as well as the support for the transition of students into kindergarten, which includes the family, early education, and the elementary school. A guiding principle of the Hawaii P-3 Initiative is the creation of strong communities in which early learning programs are aligned with those in the elementary schools. The HCAP Oahu Head Start program continues to provide access to educational services, health service, family support services, along with parent involvement opportunities to children and families in need in many of our communities. With guidance from the federal Head Start Performance Standards, and alignment with the Hawaii Preschool Content Standards, HCAP Oahu Head Start continues to provide access to a quality comprehensive early childhood education program". Please see the attached letter from the Department of Education to Mr. Henry Eng, Director of DPP, dated November 23, 2007.

I hope we have demonstrated sufficiently our request for an exemption from the requirement of researching, preparing and processing a Draft and Final Environmental Assessment. The exemption would allow us to proceed with the Special Use Permit and Use Variance, and allow the Honolulu Community Action Program for Kunia School to meet the conditions of the Department of Land and

Natural Resources "Approval in Principle of Direct Lease".

Please do not hesitate to call us at 988-2231 if we can be of further assistance. In the meantime, we look forward to hearing from you in the near future.

Very truly yours,

A handwritten signature in cursive script that reads "Anne Kusao".

Anne Kusao

cc: Honolulu Community Action Program



Honolulu Community Action Program

A Non-Profit Human Service Agency

HCAP Main Office Location

33 South King Street, Suite 300 • Honolulu, HI 96813
Tel (808) 521-4531 • Fax (808) 521-4538

Head Start Offices

(Kapalama) Tel (808) 847-2400 • Fax (808) 847-2302
(Kunia) Tel (808) 621-5099 • Fax (808) 621-3842

2009 - 2010 Board Officers

Kevin A. Souza, Esq.
Chair
Kapiolani Silva
Vice Chair
Representative Isaac
W. Choy
Secretary/Treasurer

2009 - 2010 Board Members

Resident Sector

Kapiolani Silva
Central District
Lance Jyo
Central District
Aldora Kahele
Kalihi-Palama District
Anne Chipchase
Leahi District
Lisa Tavares
Leeward District
Ella Abe
Windward District
Christopher Hernandez
Head Start Policy Council

Public Sector

Terrence Aratani, Esq.
Office of Senator
Brian T. Taniguchi
Representative Isaac
W. Choy
Office of Representative
Marcus Oshiro
Ka'iulani de Silva
Office of Senator Suzanne
Chun Oakland
Jay Ishibashi
Mayor's Representative
Frank Lopez
Governor's Representative
Councilman Gary Okino

Private Sector

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Community Volunteer
Donna L. Ching
Leo A Daly
William Shiroma
Bank of Hawaii
Iris Matsumoto
First Hawaiian Bank
Colleen Minami
Community Volunteer
Kevin A. Souza, Esq.
Native Hawaiian
Chamber of Commerce

Robert N.E. Piper, Esq.
Executive Director

DISTRICT CENTERS:

- CENTRAL O'AHU
Tel: (808) 488-6834
- KALIHI-PALAMA
Tel: (808) 847-0804
- LEAHI
Tel: (808) 732-7755
- LEEWARD
Tel: (808) 696-4261
- WINDWARD
Tel: (808) 239-6754

August 16, 2010

Ms. Charlene Unoki
State of Hawaii
Department of Land and Natural Resources
Land Division
P. O. Box 621
Honolulu, Hawaii 96809

Subject: Approval in Principal of Direct Lease to Honolulu Community Action Program, Inc. for Preschool and Related Programs Purposes, Kunia, Oahu, Tax Map Key: (1) 9-2-5-12

Dear Ms. Unoki,

We are pleased to inform you that we have met the conditions set in the Approval in Principal of Direct Lease to Honolulu Community Action Program, Inc. in the following areas as set in Board Action, September 28, 2007, item D-3.

1. Attached is a letter from the City and County of Honolulu, dated December 22, 2009, that reviewed the documents submitted and determined that an SUP is not required pursuant to Section 205-4.5 of the Hawaii Revised Statutes.
2. Also attached is the Approval of the Zoning Variance No. 2010/VAR-6 by the Director of the Department of Planning and Permitting, dated August 9, 2010.
3. To grant a 65 year Lease to a non- profit agency, be continued at no cost as an in-kind donation by the State of Hawaii.

Please advise us to the next step towards obtaining the final approval of the Lease. We are looking forward to hearing from you.

Sincerely,

Lynn K. Cabato
Director
HCAP Head Start

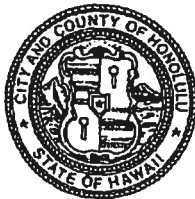
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LAND DIVISION
2010 AUG 18 A 10:53
DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

EXHIBIT "D"

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 768-8000 • FAX: (808) 768-6041
DEPT. WEB SITE: www.honoluluodpp.org • CITY WEB SITE: www.honolulu.gov

MUFI HANNEMANN
MAYOR



DAVID K. TANOUE
DIRECTOR

ROBERT M. SUMITOMO
DEPUTY DIRECTOR

2009/SUP-7(ry)

December 22, 2009

Mr. Keith Kurahashi
Kusao & Kurahashi, Inc.
2752 Woodlawn Drive, Suite 5-202
Honolulu, Hawaii 96822

Dear Mr. Kurahashi:

Subject: Special Use Permit (SUP) Application for Kunia Head Start School
Honolulu Community Action Program, Inc.
Tax Map Key 9-2-5: 12, Kunia, Central Oahu

We have reviewed the subject application and have determined that an SUP is **NOT** required. The pre-school/early education center is located within existing community buildings of the Kunia Plantation Community Subdivision and is permitted pursuant to Section 205-4.5 of the Hawaii Revised Statutes which states:

"§205-4.5 Permissible uses within the agricultural districts. (a) Within the agricultural district, all lands with soil classified by the land study bureau's detailed land classification as overall (master) productivity rating class A or B shall be restricted to the following permitted uses:

- (12) Plantation community subdivisions, which as used in this chapter means an established subdivision or cluster of employee housing, community buildings, and agricultural support buildings on land currently or formerly owned, leased, or operated by a sugar or pineapple plantation; provided that the existing structures may be used or rehabilitated for use, and new employee housing and agricultural support buildings may be allowed on land within the subdivision as follows:
 - (A) The employee housing is occupied by employees or former employees of the plantation who have a property interest in the land;
 - (B) The employee housing units not owned by their occupants shall be rented or leased at affordable rates for agricultural workers; or

Mr. Keith Kurahashi
Kusao & Kurahashi, Inc.
December 22, 2009
Page 2

(C) The agricultural support buildings shall be rented or leased to agricultural business operators or agricultural support services."

Thus, the proposed pre-school/early education use within the existing community buildings of the plantation community subdivision is a permitted use within the State Land Use Agricultural District. Please be advised that any construction of new buildings or additions to the existing buildings for the pre-school/early education use may require a Special Use Permit.

We are returning the application materials and filing fee check of \$1,050.00. If you have any questions, please contact Raymond Young of our staff at 768-8049.

Very truly yours,

A handwritten signature in black ink, appearing to read 'David K. Tanoue', with a horizontal line extending to the left.

David K. Tanoue, Director
Department of Planning and Permitting

DKT:lh
Doc 740139

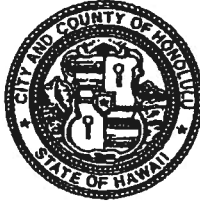
Attachment: Check No. 4015

cc: Robert Piper/HCAP

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 768-8000 • FAX: (808) 768-6041
DEPT. WEB SITE: www.honolulu.dpp.org • CITY WEB SITE: www.honolulu.gov

KIRK W. CALDWELL
ACTING MAYOR



DAVID K. TANOUE
DIRECTOR

ROBERT M. SUMITOMO
DEPUTY DIRECTOR

2010/VAR-6(MS)

August 9, 2010

Ms. Anne Kusao
Kusao & Kurahashi, Inc.
2752 Woodlawn Drive, Suite 5-202
Honolulu, Hawaii 96822

Dear Ms. Kusao:

Subject: Zoning Variance No. 2010/VAR-6
Applicant: Honolulu Community Action Program, Inc.
Landowner: State of Hawaii, Department of Land and Natural Resources
Location: 92-1750 Kunia Road - Kunia
Tax Map Key: 9-2-5: 12

The Director of the Department of Planning and Permitting (DPP) has granted APPROVAL of the above variance, subject to certain conditions. A copy of the Director's Findings of Fact, Conclusions of Law, and Decision and Order, including the conditions of approval, is attached.

NOTE: If the variance conditions contain time limits, the applicant is responsible for complying within those time limits, or the variance will lapse. If the variance is "after-the-fact," and it lapses because of failure to comply with the conditions, the applicant may be in violation of the zoning code and subject to enforcement proceedings. A new application for the same variance will not be accepted within 12 months of the lapse date.

This variance is limited to those sections of the Land Use Ordinance stated in the Findings of Fact and/or Decision and Order and shall not be construed as approval of any other permit or review by the DPP or by any other agency.

Any party (to the case) wishing to appeal the Director's action must submit a written petition to the Zoning Board of Appeals (ZBA) within thirty (30) calendar days from the date of mailing or personal service of the Director's written decision (ZBA Rules Relating to Procedure for Appeals, Rule 22-2, Mandatory Appeal Filing Deadline). Essentially, the ZBA rules require that a petitioner show that the Director based his action on an erroneous finding of a material fact, and/or that the Director acted in an arbitrary or capricious manner, or manifestly abused his discretion. Generally, the ZBA can only consider the evidence previously presented to the Director of the DPP. The filing fee for appeals to the ZBA is \$200 (payable to the City and County of Honolulu).

Ms. Anne Kusao
August 9, 2010
Page 2

Failure to comply with ZBA Rules Chapter 22, Procedure for Appeals, may result in the dismissal of the appeal. Copies of the ZBA rules are available at the DPP. Appeals should be addressed to:

Zoning Board of Appeals
c/o Department of Planning and Permitting
650 South King Street, 7th floor
Honolulu, Hawaii 96813

If you have any questions or need additional information concerning this variance, please contact Malyne Simeon of our staff at 768-8023.

Very truly yours,

A handwritten signature in black ink, appearing to read 'DKT', with a long horizontal line extending to the right.

David K. Tanoue, Director
Department of Planning and Permitting

DKT:nt

cc: Honolulu Community Action Program, Inc.
State of Hawaii, Department of Land and
Natural Resources

G:TransmitApproval